



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

VIA EMAIL

Richelle Wormley, Director  
Division of Air Enforcement  
New Jersey Department of Environmental Protection  
Mail Code 401-04N  
401 East State Street  
P.O. Box 420  
Trenton, NJ 08625-0420  
[Richelle.Wormley@dep.nj.gov](mailto:Richelle.Wormley@dep.nj.gov)

Re: Parkway Iron and Metal, Inc., Clifton, New Jersey

Dear Richelle:

The United States Environmental Protection Agency ("EPA") issued a Notice of Violation (NOV) to Parkway Iron and Metal, Inc. ("Parkway") on August 16, 2021, a copy of which was provided to you, for violations of the volatile organic compounds ("VOC") requirements of Subchapter 16 of the New Jersey Administrative Code, Title 7, Chapter 27. On September 14, 2021, EPA held an NOV conference with Parkway, its counsel, and its consultant, to discuss the NOV, as well as EPA's outstanding Clean Air Act Section 114 request that Parkway conduct a stack test to determine the VOC emissions from Parkway's metal shredding operations (the "shredder").

During the NOV conference, Parkway indicated that it had engaged the services of an engineering firm to design an enclosure for the shredder, which would be needed regardless of whether Parkway were to conduct a stack test or to ultimately install controls. In addition, engineering designs for VOC emission controls would also be proposed for the purpose of obtaining cost estimates for their installation. Parkway further indicated that it intended to use this information to seek an alternate VOC RACT limit from the New Jersey Department of Environmental Protection ("NJDEP") on the basis that the enclosure and the controls would be cost-prohibitive. Given the pending Clean Air Act Section 114 request to conduct a stack test, EPA informed Parkway that, in the absence of site-specific testing, any application to NJDEP would need to include a VOC emission factor of 0.3 pounds per ton of scrap.

As a follow-up on the meeting with Parkway, EPA and NJDEP conferred on Thursday, September 16, to discuss the issues raised by Parkway during the NOV conference with EPA and where EPA stood with its investigation and allegations. It is EPA's contention that Parkway is violating the New Jersey VOC Reasonably Available Control Technology ("RACT") limit of 3.5 pounds per hour. Absent site-specific VOC emission testing conducted at Parkway's shredder, EPA is relying on VOC emission data from certain emission tests conducted at other shredders throughout the United States. Based on EPA's evaluation, only a small subset of tests have

demonstrated adequate VOC emission capture, and therefore, only this subset of tests is considered to contain reliable data with which to calculate accurate emission factors. The VOC emission rates from these tests also vary as a function of the percentage of automobiles being shredded, where VOC emission rates increase as the percentage of automobiles increases. Based on these test results and information obtained from Parkway about its operations, EPA has determined that a representative VOC emission factor is 0.3 pounds of VOC per ton of scrap. Using this emission factor and the size of Parkway's shredder, which can shred up to 90 tons of scrap per hour, its VOC emissions are 27 pounds per hour, well above the 3.5 pounds per hour emission limit.

Parkway has indicated that it is taking interim measures during the next couple of months to reduce its emissions while its engineering consultant designs the shredder enclosure and possible VOC control options. Parkway stated that it has reduced the amount of scrap that it can process from 90 tons per hour to 10 tons per hour. According to Parkway, these measures would reduce its emissions to three pounds of VOC per hour, which it asserts would be complying with the VOC RACT limit. Absent a federally enforceable limitation or an enforcement action that temporarily restricts its operations, EPA does not agree with Parkway's conclusion.

As Parkway has indicated, the primary purpose for engaging engineering firms to design an enclosure and VOC control device(s) is to get cost estimates for pursuing an alternate VOC RACT limit to possibly avoid controls. As such, EPA believes that since NJDEP is the primary regulatory agency that would decide whether an alternate VOC RACT limit would be granted, we believe that it may be appropriate for EPA to defer the enforcement of the VOC RACT violations to NJDEP. EPA stands ready to support NJDEP with this shredder case to ensure national consistency with these sources. To that end, EPA has already provided your staff with much of the information that EPA has acquired thus far.

If you have any questions, feel free to contact Gaetano LaVigna at (212) 637-4069 or at [lavigna.gaetano@epa.gov](mailto:lavigna.gaetano@epa.gov).

Sincerely,

**ROBERT  
BUETTNER**

Digitally signed by  
ROBERT BUETTNER  
Date: 2022.02.01  
15:46:31 -05'00'

Robert Buettner, Chief  
Air Compliance Branch  
Enforcement and Compliance Assurance Division

Cc: Jeffrey Meyer, NJDEP - [Jeffrey.Meyer@dep.nj.gov](mailto:Jeffrey.Meyer@dep.nj.gov)